

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

**APPLICATIONS OF AVANT OPERATING, LLC
FOR APPROVAL OF A NON-STANDARD UNIT
AND COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NOS. 24118-24119

UNOPPOSED MOTION TO VACATE CONTESTED HEARING

Avant Operating, LLC (“Avant”) moves to amend the Amended Pre-Hearing Order issued in these cases on May 2, 2024, to (1) vacate the contested hearing and all associated deadlines; and (2) to set these matters for an uncontested hearing by affidavit on May 28, 2024. As grounds for this motion, Avant states:

1. Avant filed the above captioned cases in December 2023.
2. E.G.L. Resources, Inc. (“E.G.L.”) filed competing applications in January 2024 in Case Nos. 24154 and 24155.
3. The Division entered prehearing orders setting Avant’s applications and E.G.L.’s applications for a contested hearing. Most recently, the Division entered an amended prehearing order on May 2, 2024, setting the competing cases for a contested hearing on May 28, 2024.
4. On May 13, 2024, E.G.L. moved to dismiss its cases, Case Nos. 24154 and 24155. The Division entered an order dismissing those cases on May 13, 2024.
5. Because E.G.L. dismissed its competing cases, there is no need for a contested hearing on May 28, 2024.
6. Instead, Avant requests that the May 28 hearing date be used for an uncontested hearing by affidavit for Case Nos. 24118 and 24119.

7. Avant requests that its exhibits be due by close of business on Friday, May 24, 2024, which is consistent with the current timeline for filing exhibits in uncontested cases, *i.e.*, exhibits must be filed on the Tuesday before the Thursday hearing.

8. Counsel for E.G.L. concurs in the relief requested in this motion.

9. Counsel for COG Operating and Concho Oil and Gas LLC has been contacted and does not oppose this motion.

10. Counsel for XTO has been contacted and does not oppose this motion.

WHEREFORE, Avant respectfully request that the Division amend the Amended Prehearing Order to vacate the May 28, 2024 contested hearing and all associated deadlines and instead set cases 24118 and 24119 for an uncontested hearing by affidavit on May 28, 2024, with Avant's exhibits due by close of business May 24, 2024.

Respectfully submitted,

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Certificate of Service

I hereby certify that on May 21, 2024, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

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